

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Stephen DiFiore	Team: Squad #7	CCRB Case #: 201909593	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 05/04/2019 3:16 AM	Location of Incident: Bristol Street and Dumont Avenue	Precinct: 73	18 Mo. SOL 11/4/2020	EO SOL 6/21/2021	
Date/Time CV Reported Mon, 11/04/2019 11:09 AM	CV Reported At: CCRB	How CV Reported: E-mail	Date/Time Received at CCRB Mon, 11/04/2019 11:09 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Girard Moscato	00663	933067	123 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Arnold Nickey	04112	906933	073 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Girard Moscato	Discourtesy: Police Officer Girard Moscato spoke discourteously to § 87(2)(b)	
B.POM Girard Moscato	Discourtesy: Police Officer Girard Moscato spoke discourteously to an individual.	

### Case Summary

The following complaint was received at the CCRB via IAB log number 2019-39300 on November 4, 2019.

BWC was received for this case (Board Review 01). The IAB log also referenced BWC linked to what would become four other cases for the same officer. These cases are 202000443, 202000447, 202000450, and 202000452. IAB notified the CCRB of these videos when an inquiry into the subject officer's use of BWC uncovered a pattern of discourteous behavior.

On May 4, 2019, at approximately 3:16am, § 87(2)(b) was involved in a dispute with an unknown cab driver near Bristol Street and Dumont Avenue in Brooklyn. PO Moscato, then of the 73<sup>rd</sup> Precinct, responded to the scene. While at the location, he told § 87(2)(b) "I am the fucking police" (**Allegation A: Discourtesy, § 87(2)(g)**). While asking the cab driver about § 87(2)(b)'s payment, he told the driver, "go get the phone and don't say fucking two words" (**Allegations B: Discourtesy, § 87(2)(g)**).

### Findings and Recommendations

**Allegation (A) Discourtesy: Police Officer Girard Moscato spoke discourteously to § 87(2)(b).**

**Allegation (B) Discourtesy: Police Officer Girard Moscato spoke discourteously to an individual.**

PO Moscato said in his CCRB interview that this incident entailed a cab dispute between a rider and an Uber driver (Board Review 02). The nature of the dispute was that the rider, identified by the investigation as § 87(2)(b) had already paid for a ride that had been cancelled and was afraid that she would not get her money back. In her phone statement, § 87(2)(b) said that an older, white police officer had told her to "shut the fuck up" and called her a "bitch" while speaking with her about the app where she paid (Board Review 03). BWC does not depict PO Moscato saying these exact words, but it does depict him saying "I am the fucking police" at 00:18 as he tells § 87(2)(b) to hang up the phone as she dials 911. Shortly afterwards, the BWC depicts PO Moscato telling the driver to show him the app by telling him, "Go get the phone and don't say fucking two words." In his CCRB statement, PO Moscato said that he used this language because he was trying to figure out how to resolve the dispute. He acknowledged in his statement that he is a "foul-mouthed cop" and that his words, "might have been a little harsh," but added that he usually has to be harsh because he was in the Brownsville section of Brooklyn where people generally do not comply with the police.

PO Moscato said in his statement that both individuals had not made any aggressive gestures or motions toward him and that his BWC completely captures the incident.

Patrol Guide Procedure 200-02 requires officers "render our services with courtesy and civility" (Board Review 04).

§ 87(2)(g)

### Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party.
- PO Moscato has been a member of service for 16 years and a subject officer in 10 prior CCRB complaints and 30 prior allegations, none of which were substantiated. The only pattern relevant to this investigation are the concurrent investigations into the allegations in the following case numbers: 202000443, 202000447, 202000450, and 202000452.

## Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
  - § 87(2)(b)
- (Board Review 05).
- As of the date of this report, the Office of the Comptroller's Office has not identified any Notices of Claims relevant to this incident.

Squad No.: 7

Investigator: Stephen DiFiore      Inv. Stephen DiFiore      7/6/2020  
Signature      Print Title & Name      Date

Squad Leader: \_\_\_\_\_

Signature \_\_\_\_\_

Manager Vanessa Rosen \_\_\_\_\_

Print Title & Name \_\_\_\_\_

July 6, 2020 \_\_\_\_\_

Date \_\_\_\_\_

Reviewer: \_\_\_\_\_

Signature \_\_\_\_\_ Print Title & Name \_\_\_\_\_ Date \_\_\_\_\_